

DIVISION OF SPECIAL EDUCATION

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****THESE MINUTES WERE APPROVED AT THE STATE ADVISORY COUNCIL
MEETING OF 031998****

Meeting of the State Advisory Council on Students with Special Needs

**February 20, 1998
Embassy Suites, North
Indianapolis, Indiana**

In attendance: Maureen Greer (Callee Bigsby), Mary Ramos, Edward Kasamis, Brett Bollinger, Kathy Wodicka, Robert Marra, Marcia Johnson, Michael Dalrymple, Jackie Pitman, Becky Bowman, David Schmidt, Becky Kirk, Jeanine Calbria, Liam Grimley, Theresa Willard, Julie Swaim, Rose Black, Deborah Winchester, Carolyn Heier, and Cathlene Hardy-Hansen.

Special Guest: Maria Sells (Department of Correction - Special Education Department).

Interpreters: Lisa Moester and George Perry.

Division Staff: Lynn Holdheide, Steve Stafford, Rebecca Relford, Sally Cook, and Sharon Knoth.

Meeting called to order at 9:00 a.m.

Mr. Marra asked for introductions of Council members for the advantage of new members of the Council.

Mrs. Wodicka opened the meeting. Dr. Kasamis moved to approve the minutes from January's meeting. Seconded by Dr. Bollinger. Minutes were approved.

Mr. Dalrymple moved that Kathy Wodicka be Chair of the Council for the upcoming year. Seconded by Mrs. Kirk. Dr. Grimley moved that we close nominations. Seconded by Dr. Kasamis. Motion approved.

Dr. Kasamis moved that Mr. Schmidt be vice chair of the Council. Seconded by Dr. Grimley. Mrs. Black made a motion to close nominations. Seconded by Dr. Grimley. Motion carried.

Overview of Article 7 DRAFTing Schedule

Mr. Marra gave an overview of the Article 7 DRAFTing Team appointed to rewrite Article 7. By the end of July the Division will have a draft of Article 7 ready for the Council. The Division

received a letter from Mr. Hehir indicating that Indiana's Implementation Plan has been approved by OSEP.

Mr. Marra gave an overview of Rule 10 and the discussions which ensued among the members of the DRAFTing Team. There was discussion among the Team to "remove" General Education Intervention from Rule 10 and "add" language about the evaluation requirements to encompass documentation of interventions attempted. This is really a general education process - not a special education process. Many local directors have expressed concern about being "held responsible" for something they have no control over. He also spoke to the Council of the Team's thoughts on extending the evaluation time period from 40 to 60 instructional days. This recommendation is the result of a proposal by the DRAFTing Team that parents/family be provided a copy of the M-Team report prior to convening the case conference committee meeting (to afford the parents an opportunity to review it and formulate questions prior to coming to the case conference committee meeting). Mr. Schmidt indicated he would be in favor of keeping GEI. Mr. Dalrymple expressed a concern that he would like to read the actual language before forming an opinion. Mr. Marra indicated that we would provide the Council with the draft language prior to asking for a vote on these issues. Mrs. Kirk expressed concern about extending the time period for evaluations. Dr. Kasamis indicated that if we were moving toward INCLUSION, it seems illogical to not afford the district the extra time to attempt to keep the student involved in general education (give it more latitude). Mrs. Johnson indicated that, as a building principal who has been in special education for several years, she would see could see that it would be favorable if it is moved to 60 days - but language needs to be added to ensure certain things are completed within that time frame. However, we would need to explain what type of involvement we "expect" from general education prior to convening the case conference committee meeting. Mr. Marra explained the process from the perspective of our Program Review Team at the Division. Mr. Marra explained that the Council will be presented with two versions of the Rule 10 - one with GEI and one without, and then we will ask for a motion to approve one or the other (or revise one).

Legislative Update

Mr. Marra gave an overview of the current legislative session with respect to items which affect special education. Our amendments to the Advisory Council have been basically "unopposed."

Mr. Marra discussed the discipline section of HR 5 (the Act) and the 10-day Rule. He referred to Section 612 (page 60 of HR 5) where it defines Free Appropriate Public Education and explained to the Council how the Division was obtaining its interpretation of the 10-day Rule. The Federal government has not provided us with guidance in this area. Mr. Marra indicated that we would provide the Council with a copy of the "Committee Notes" from HR 5 - so they may read the comments of Congress on this issue.

Mr. Marra indicated that we will be drafting language for Article 5 (the general education regulations). The language will address accommodations on the ISTEP+ and the Indiana Graduation Qualifying Exam (IGQE). A discussion of ISTEP+, the IGQE, and the proposed Alternate Assessment ensued. Dr. Grimley referred to page 1 of the minutes, the Council is actually the State Advisory Council on Children and Youth with Disabilities, whereas our

Agenda speaks to Students with Special Needs. He would like to see us called the State Advisory Council on Students with Special Needs. Dr. Kasamis asked what the Division was doing to inform local Directors of accommodations on the state-mandated assessment. Mr. Marra gave an overview of what the Division has done to this point. Mrs. Black indicated that she would like to see the ISTEP+ Program Manual. We will provide Council members with a copy prior to the March meeting.

Child Count Update

Mr. Marra reviewed the data from the December 1 Child Count for 1997. He gave an overview of how to interpret the data as it was presented in the charts distributed to the Council. A discussion of the funding for the "MoMH" category ensued. There were many who believed that "MoMH" should be funded under the "higher" weight vs. the lower funding rate. Mrs. Johnson commented on the ability for schools to "label" a student for funding, yet utilize a teacher of record (TOR) and actually serve the student in a less restrictive placement. She likes the concept of TOR.

Cooperative Structures

Mr. Marra shared several documents with the Council. A discussion of the various items ensued. The Council for Exceptional Children (CEC) document is actually a chronological history of special education in the United States. He then walked through an historical perspective of special education in Indiana. A document developed in 1969 was then shared with the Council which explained to school districts how they were to establish a Special Education Cooperative (Joint Service and Supply) agreement to meet the requirements of P.L. 94-142. School districts in Indiana who had fewer than 10,000 students "were more likely" to seek out and establish Joint Service and Supply Agreements. All districts were required to submit a Comprehensive Plan to the Division of Special Education. This "Comp Plan" required the LEA to explain in detail how they would ensure the provision of special education and related services to all students with disabilities who reside in their district. The Comp Plan also had to indicate which district would be the fiscal agent for the Cooperative - into which district did special education dollars flow?

Comprehensive Plan - a Sample

Mr. Marra distributed several items to assist the Council in understanding the different special education planning districts structure(s). We currently have 16 districts which are "single districts," 36 districts are Joint Services and Supply, one is a Special Education Cooperative, and 11 are Interlocals. When the LEAs join together they must inform the Division who will be the "fiscal agent," but the Advisory Council has no "vote" on that issue. The Advisory Council reviews and makes recommendations when LEAs are planning to join together, split apart, or make major changes in their organizational structure. Joint Services and Supply are either a centralized program or a decentralized program. An Interlocal is just like a school corporation, but they haven't the authority to levy taxes or produce funding. An Interlocal is its own fiscal agent. The Special Education Cooperative is somewhere between an Interlocal and a Joint Service and Supply. It has its own school board and its own funding, but it doesn't have to go

before the State Board of Accounts for fiscal efforts. The comprehensive plans the Council will review at next month's meeting are both Joint Services and Supply (currently).

Mrs. Willard questioned the Council's authority to interfere with contracts. What gives us (the Council) the authority?

Mrs. Hardy Hansen would like some background information. What is a corporation? What is a cooperative? What first motivated them to join together? What assisted in keeping them together all these years? What has now caused them to want to split apart?

Mrs. Willard asked whether the Council could have the districts come back in a year and let the Council evaluate how the new arrangement is working? Mr. Marra clarified that it would be accomplished through the Division's Monitoring process. If LEAs are found to be out of compliance, the Division has the authority to delay or withhold funding.

The March Advisory Council meeting will begin at 9:30 a.m. on Thursday, March 19 - with Jay Randolph on the schedule at 10:00 a.m. We will break for lunch at 12:00 and West Central Indiana Special Services will present to the Council at 1:00 p.m. We will then meet from 9:00 to 1:00 on Friday, March 20.

A tentative meeting, if needed, is scheduled for May 1st to be convened in Bloomington. The Division will set up hotel accommodations for those who wish to have overnight rooms. The meeting will be from 10:00 a.m. - 4:00 p.m. Bob will check into possibly having the meeting at ISDD.

Mrs. Wodicka thanked the Division for the work they put in setting up for the March meeting. The documents will be very helpful in assisting us in making decisions.

Dr. Kasamis moved that we adjourn our meeting. Seconded by Dr. Grimley. Carried. Meeting adjourned at 2:45 p.m.